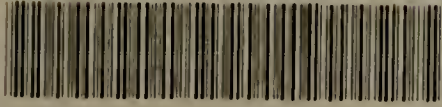


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Senate Post Audit and Oversight Issue Brief

June 1996

Senator Cheryl A. Jacques
Senate Committee on Post Audit and Oversight

THE MASSACHUSETTS FIREARM RECORDKEEPING SYSTEM: BROKEN, BUT NOT BEYOND REPAIR

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**Senator Cheryl A. Jacques
Senate Committee on Post Audit and Oversight**

THE MASSACHUSETTS FIREARM RECORDKEEPING SYSTEM: BROKEN, BUT NOT BEYOND REPAIR

EXECUTIVE SUMMARY

In response to a dramatic rise in violent crime caused by guns, as well as the danger caused by guns used in domestic disputes, the Senate Post Audit and Oversight Bureau has analyzed the current firearms recordkeeping system to determine how improved recordkeeping plays a role in stemming these violent trends.

Gun Related Homicides and Injuries Are on the Rise

Homicides and injuries associated with firearms are a serious and growing problem in Massachusetts. Gun homicides increased a dramatic thirty percent between 1978 and 1993. Guns now cause more than half of all homicides in Massachusetts. Even more alarming, gun homicides among black males ages 15-19 have increased 300 percent during the same fifteen year time span.

A Broken Firearm Recordkeeping System Prevents Police from Reducing Gun Violence

While urban and domestic gun violence climbs, the Massachusetts firearm recordkeeping system, under the supervision of the Massachusetts Department of Public Safety's Firearms Record Bureau, is failing to provide police with critical information regarding the sale, transfer, and ownership of firearms.

- Since 1985, information pertaining to the approximately 800,000 guns sold in Massachusetts has not been entered into the firearms transaction database. This lack of information cripples the ability of law enforcement to track the origin of guns used in crime.

- Currently, information pertaining to 75,000 Licenses To Carry (i.e. pistol permits) and 65,000 Firearm Identification Cards remains unrecorded in the Firearm Records Bureau's system.

New Research Demonstrates the Need for a Gun Tracking System

New research makes clear that the present dysfunctional system is seriously impeding law enforcement's efforts to curb the tide of illegal gun trafficking.

In his research on behalf of the Boston Gun Project,* David M. Kennedy found that:

- At least 34 percent of those illegal firearms confiscated from Boston youths age 15-19 during the years 1991-1995 were first sold by a licensed Massachusetts gun dealer.
- As minors cannot legally purchase a gun from a licensed dealer, these weapons had to make their way into the black market via an illegal transaction.
- The time from when a gun is first sold at retail until the time at which it comes into the possession of the Boston Police Department as an illegal weapon ("time-to-crime") is frequently less than twenty-four months.
- The firearm recordkeeping system had no information about any of the guns confiscated by the Boston Police. The absence of an effective information system prevented the Boston Police from getting the data they needed to stop the flow of these illegal guns.

The shorter the period between the initial sale of a firearm and its confiscation at a crime scene, the more likely that police can determine how the weapon went from the legal first purchaser to the illegal possessor. This can only happen if an accurate, up-to-date firearms recordkeeping system is available to police.

* The Boston Gun Project is funded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice, under a grant on "Firearms and Violence: Juveniles, Illicit Markets, and Fear." Analyses and opinions reported herein are those of the Boston Gun Project Director, David M. Kennedy, and do not necessarily represent those of the U.S. Department of Justice.

The Current System is Inadequate, Endangers Law Enforcement Officials, and Hinders Crime Solving

The inadequacies of the current system are:

- When police officers make a traffic stop, and discover that the occupant has a firearm, they are unable to tell if that person has a valid license to own or carry a firearm, or whether that person is recorded as a current gun owner. The lack of such knowledge severely jeopardizes a police officer's safety. It is an interesting irony that the officer who makes the traffic stop, while having no ability to check on the occupant's gun, has the complete ability to check on the occupant's vehicle. By querying the Registry of Motor Vehicles, the officer can determine whether the occupant is the lawful owner of the car, whether the owner has a valid license and registration, and a host of information regarding the occupant's criminal status.
- Police are especially at risk in instances involving domestic abuse and when seizing a gun pursuant to the issuance of a temporary restraining order. Because information regarding the number of guns the batterer owns is unavailable, police have no means to ensure that they have confiscated all guns belonging to the batterer.
- The recordkeeping backlog of information about Firearm Identification Cards and Licenses To Carry further hinders the Courts, which are responsible for issuing restraining orders, by limiting their ability to determine if there is reason to believe the recipient of the order has a gun that needs to be confiscated.
- Because guns recovered at crime scenes cannot readily be traced through the Firearms Record Bureau's system, days and weeks are added to the time it takes police to solve the crime.

RECOMMENDATIONS FOR REFORMING THE SYSTEM

Create An Effective Framework For Firearm Recordkeeping

- Legislation should be filed clearly defining responsibilities for the maintenance and operation of an accessible and organized firearm recordkeeping system.
- The Executive Office of Public Safety should clearly delineate the separate responsibilities of the Commissioner of Public Safety and the Criminal History Systems Board (both under the Executive Office of Public Safety) so each operates in its area of expertise. The Commissioner should be responsible for firearms license processing. The Criminal History Systems Board should maintain and operate a computer system providing law enforcement with twenty-four hour a day, seven day a week access to firearm records.

- The Secretary of Public Safety should create a separate line item for firearm recordkeeping within the Public Safety budget targeted directly to the Firearms Record Bureau. By increasing licensing fees and earmarking a specific source of revenue, the task of recordkeeping will be ensured.

Reform the Firearms Transaction System to Cut Off the Flow of Illegal Guns Used to Commit Crimes

- In eliminating the current eleven year backlog of firearms sales transaction records, the Criminal History Systems Board should start with the data from 1996, 1995, 1994 and 1993. These years should be prioritized in order to allow law enforcement access to information that may still be useful in investigating and solving crimes. The resources to accomplish this task are available under a federal grant which provides funding to allow the joint operation of the Commissioner of Public Safety and the Bureau of Alcohol, Tobacco and Firearms to eliminate the backlog of 800,000 unentered guns transactions.
- The Executive Office of Public Safety should develop a profile of all licensed dealers in the state. This profile should describe all licensed dealers, the number and type of firearms they sell, and to whom they sell such firearms.
- The Executive Office of Public Safety should develop a plan, using existing law enforcement resources, to engage in undercover operations for the purpose of catching licensed dealers and private sellers who violate the law by selling to people without Firearms Identification Cards or Licenses To Carry (similar to a system currently in use in Virginia).

Create an Automated System for Firearms Licensing

- In order to speed processing times, increase accuracy, and prevent backlogs, the Criminal History Systems Board should create an automated licensing system, using already available Federal grant money. In this system, local police would enter the data for firearms licenses at the police station using the Criminal Justice Information System with which they are already familiar.
- Legislation should be proposed authorizing the creation of a single firearms license replacing the Firearm Identification Card and License To Carry. It would contain a photograph and would have to be renewed every five years. In addition, the license would contain classification information disclosing whether the owner possesses a License To Carry, a temporary License To Carry, a Firearm Identification Card, or other permit. (The Registry of Motor Vehicles uses a similar system to identify the class of license a driver possesses.) A realistic fee structure should support the state's firearms licensing

and recordkeeping functions, appropriately allocating the revenues from these fees between local law enforcement and the state.

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THE MASSACHUSETTS FIREARM RECORDKEEPING SYSTEM: BROKEN, BUT NOT BEYOND REPAIR

INTRODUCTION

This report by the Senate Post Audit and Oversight Bureau analyzes the Commonwealth's system for recording information about the sale of firearms and about individuals who buy, sell or carry firearms. The report details the rise in firearms related homicide in Massachusetts, and outlines existing problems within the Firearms Record Bureau, the agency that maintains the recordkeeping system. It also discusses the importance of an improved firearms recordkeeping system, and the effect those improvements would have on public safety and law enforcement efforts. Finally, the report concludes with a number of recommendations to improve and enhance the Firearms Record Bureau's operations.

In Massachusetts, to own or carry a firearm, an individual must receive an appropriate license from the Commonwealth. To own a gun, one must apply for and receive a Firearm Identification Card. Additionally, anyone who wishes to carry a handgun or pistol must apply for and receive a License To Carry.

In an effort to track firearms licensing, the Commonwealth is charged with the responsibility of collecting licenses, and entering the information into a computerized database. The state is also responsible for gathering and keeping information regarding all firearms sales transactions. The Commonwealth is failing to meet these requirements, and the Firearms Record Bureau system is in serious disarray.

Two significant problems plague the firearms system: 800,000 firearms sales transactions have gone unrecorded since 1985, and information regarding the approximately 65,000 Firearm Identification Cards and 75,000 Licenses To Carry¹ issued since 1994 remains unentered. The sales transaction data that does exist are not accessible to law enforcement officials or maintained

In 1994, the General Court enacted legislation which requires confiscation of Firearm Identification Cards, Licenses to Carry and firearms from people subject to temporary restraining orders. In order to carry out this mandate, law enforcement and court personnel need immediate access to information about people who own firearms, as well as information about firearms sales transactions. The Firearms Record Bureau is woefully behind in meeting its mandate, and is hampering the police's efforts in carrying out both the letter and spirit of this law.

This is just one example of how immediate access to information about gun ownership and sales has a direct effect on law enforcement's ability to curb gun violence. It is clear that improvements to the Firearms Record Bureau's operations would be of value to law enforcement, would be an effective tool in combatting gun violence, and would provide an immediate benefit to the public's safety. As the Department of Public Safety said in a 1995 report, "Although we have spent much money and energy to collect this information, its usefulness has been seriously compromised because the data is often not current, accurate, or accessible by those sworn to protect the public safety."²

FIREARM HOMICIDES AND INJURIES IN MASSACHUSETTS

Firearm homicide is on the rise in Massachusetts.

In the past two decades, homicides in Massachusetts have increased six percent.³ There were 237 victims of homicide in Massachusetts in 1993.⁴ However, criminals are increasingly using firearms to commit homicide in Massachusetts. Between 1978 and 1993, gun homicides increased a dramatic thirty percent.⁵ (See Appendix I.)

Firearms have played the decisive factor in the 300 percent rise in homicides among black males ages 15-19 that occurred between 1979 and 1992. In 1993, 87 percent of murders in this category were committed with a firearm, while homicides by other weapons did not increase over this fifteen year period.⁶

Injuries from firearms are also a significant problem.

While firearm homicides often receive significant attention, firearm injuries are far more numerous and result in significant health care costs. According to data maintained by the Massachusetts Department of Public Health's Weapon-Related Injury Surveillance System, for every murder committed with a firearm in 1992, there were an estimated five victims of assault-related gunshot wounds.⁷ This translates into a nationwide health care cost of \$1.4 billion in 1990, much of which is incurred by those without health insurance and who are unable to pay their medical bills.⁸ (See Appendix II.)

THE FIREARMS RECORD BUREAU

Firearms recordkeeping is a policy that makes sense.

Firearm homicide and injury trends indicate that the tragic problem of firearm violence is not going away. To significantly reduce firearms-related deaths and injuries, law enforcement personnel must be able to track firearms and limit their availability for use in a crime. While the Commonwealth directs gun dealers to record and report their gun sales to officials at the Department of Public Safety, an effective, accessible firearms recordkeeping system has not been maintained.

The Department of Public Safety has explicit responsibilities.

The Department of Public Safety within the Executive Office of Public Safety has responsibility for many functions pertaining to firearms licensing and recordkeeping including: issuing firearms licenses, licensing firearms dealers, processing applications from licensing authorities, providing forms to local licensing authorities, conducting background checks on applicants, checking the criminal history of license and permit holders and revoking licenses if necessary, and serving as a repository for Firearm Identification Cards, Licenses to Carry, and sales transaction records. The Commissioner of Public Safety has assigned these responsibilities to the Firearms Record Bureau (FRB) which operates within the Department of Public Safety.

There are no statutory requirements for records maintenance.

There are no specific directives within Chapter 140 of the Massachusetts General Laws outlining how the Commissioner -- and consequently the Firearm Records Bureau -- is to maintain records pertaining to firearms sales and licensing.

Licensing is the priority, not recordkeeping.

There are currently ten staff members within the Firearms Record Bureau who are responsible for the operations of the Bureau. The Bureau staff gives priority to the actual licensing process; data entry of sales transactions and licensing information is a much lower priority.⁹

The Criminal History Systems Board may assume new responsibilities for firearms recordkeeping.

Outside Section 17 of the Fiscal Year 1997 budget passed by the Senate states, "the executive director of the criminal history systems board shall promulgate rules and regulations to ensure the prompt collection, exchange, dissemination and distribution of firearms record information in accordance with sections 121 to 131J within chapter 140 of the Massachusetts General Laws."¹⁰

STATUTORY REQUIREMENTS FOR FIREARMS RECORDKEEPING

Chapter 140, Sections 121-131C of the Massachusetts General Laws (MGL) pertain to firearms licensing, regulation of the sales transactions of firearms, Firearm Identification Cards, and Licenses To Carry. These statutes do not address the issues of records maintenance or usage, nor do they create a system that is very useful for law enforcement officials in their efforts to reduce crime.

SALE OF A FIREARM

Statutory Requirements

Licensing of Dealers and Sales Restrictions

A person who sells more than four firearms per year is required to be licensed as a dealer by the local police chief.¹¹ A licensed dealer may only sell handguns to a person who has a License To Carry, or who possesses a valid Firearm Identification Card and who has a permit to purchase, which is valid for ten days from issuance.¹² A dealer must deliver a handgun sold to a person without a License To Carry to the recipient's home or business with the permit attached. A person simply needs a Firearm Identification Card to purchase a rifle or shotgun.

Sale Reporting Requirements for Licensed Dealers

Every licensed firearms dealer must record every sale in a sales record book furnished by the Commissioner of Public Safety. Each transaction record must include the make of the firearm, its serial number, and the type of firearm. For a short barrel firearm (pistol or handgun), the License to Carry number or the Permit to Purchase and Firearm Identification Card numbers are required; in the case of a long barrel firearm, such as a rifle or shotgun, a Firearm Identification Card number or License to Carry number is required.

The sales record book must be open to the police at any time for inspection. Once per week, the dealer must send a copy of the sales for the previous seven days to the Commissioner. While there is no stipulation that the Commissioner has to maintain these records in any type of organized system,¹³ there is also no prohibition from his doing so. Other Commissioners, prior to 1986, provided resources from within the department to record sales transactions.

Sale Reporting Requirements for Non-Dealers (Private Sales)

A resident who is not a licensed dealer must report in writing a sale of a firearm to the Commissioner within twenty-four hours of the sale. Any resident of Massachusetts or nonresident living in the state who purchases or obtains a firearm from a source other than a

licensed dealer must submit to the Commissioner on a designated form the name and address of the seller and buyer, along with a description of the firearm including caliber, make and serial number. Massachusetts General Laws, Ch. 140, Sec. 128B requires compliance with this provision within seven days after receipt of the firearm.¹⁴

The Current System

Records go into boxes, not the computer.

Each week, licensed dealers mail copies of their firearms transactions records to the Firearms Record Bureau. However, since 1985, none of these records have been entered into the Bureau's database system. At present, there is a backlog of 800,000 sales transactions awaiting entry, and there is no clear explanation as to why entry of the sales transactions ceased in 1985. Currently, the sales transaction records go into boxes at the Firearms Record Bureau, making ready access to these files very difficult.¹⁵ Inquiries about specific firearms can only be handled by the Bureau during its regular business hours. The Federal Bureau of Alcohol, Tobacco and Firearms (ATF) can request information from firearms dealers on its firearms transactions, but typically only makes inquiry in the case of multiple firearms being sold to one individual.

FIREARM IDENTIFICATION CARDS AND LICENSES TO CARRY

Statutory Requirements -- Firearm Identification Cards (FID)

The Firearm Identification Card and Eligibility

In order to purchase or possess a firearm, ammunition or make in Massachusetts, one must obtain a Firearm Identification Card. This does not entitle the person to transport a concealable firearm, but does permit transporting a long barrel firearm such as a rifle or shotgun. Any person residing or owning a business in Massachusetts is eligible to apply for a Firearm Identification Card from the appropriate licensing authority, typically the local police department.¹⁶

Persons Forbidden from Possessing a Firearm Identification Card

There are seven reasons for denial of a Firearm Identification Card: 1) A felony conviction or release from prison for a felony conviction within the past five years; 2) Confinement in a hospital for a mental illness; 3) State or Federal narcotic or harmful drug law conviction within the past five years; 4) Person is under the age of fifteen; 5) Fifteen to eighteen year olds lacking parental permission; 6) Alien status; 7) Subject to an order issued pursuant to Sec. 3B of Ch. 209A pertaining to temporary restraining orders.¹⁷

The Firearm Identification Card: Its Form, Terms of Issuance and Terms of Expiration

Upon receipt of an application for a Firearm Identification Card, the licensing authority must furnish a copy of the application to the Commissioner of Public Safety who must inform the licensing authority within twenty-one days if there are any disqualifying conditions pertaining to the applicant. The licensing authority must approve or reject the application within thirty days.

Firearm Identification Cards contain the cardholder's identification number, their name and address, place and date of birth, height, weight, hair and eye color and signature. Currently, the double-sided card has no photograph of the cardholder. For a fee of \$2.00, Firearm Identification Cards are issued for life unless revoked or suspended. The small amount of revenue generated by the licensing fee goes to the licensing authority. An applicant may use the receipt for the fee paid as a valid substitute for the Firearm Identification Card, pending issuance of the card itself. The receipt becomes valid five days after issuance.¹⁸

Statutory Requirements -- Licenses To Carry

The License To Carry and Eligibility

All firearm owners are required to possess a Firearm Identification Card. Those who wish to carry a concealable firearm, excluding long barreled guns which need only require a Firearm Identification Card, must also have a License To Carry. A person who wishes to transport a

long barrel gun (rifle or shotgun) need only a Firearm Identification Card. A License To Carry is issued by either the chief of police in the city or town where the applicant's residence or business is located, or by the Commissioner of Public Safety.

Processing Terms and Background Checks

Within seven days of receipt of a completed application, the licensing authority must forward a set of the applicant's fingerprints and photograph to the Commissioner who must advise the licensing authority within thirty days whether the applicant has a criminal record. The licensing authority may also check with the Department of Mental Health as to the suitability of the applicant. A person is ineligible for a License To Carry if he or she has been convicted of a felony, or the unlawful use, possession or sale of a narcotic or harmful drug, is a minor, is an alien, with exceptions, or is subject to a temporary restraining order.¹⁹

After these investigations have been concluded, the licensing authority may issue a License To Carry to any individual fearing harm to himself or his property or has other proper purpose, including the carrying of firearms for target practice only. Significant discretion frequently lies with the licensing authority on whether to grant a License To Carry. The licensing authority must notify applicants of approval or denial, in writing, within forty days of submission. The applicant may appeal through the court system if denied a License To Carry, although a licensing authority's judgment is usually afforded considerable deference by the courts.

Fees and Terms of Expiration

The twenty dollar fee for a License To Carry goes to the local licensing authority.²⁰ Licenses To Carry are issued for five years, expiring on the anniversary of the applicant's date of birth.²¹ Like Firearm Identification Cards, the License To Carry is double-sided. The Commissioner must send notice of expiration, not less than ninety days prior to expiration. An expired License To Carry is valid for a period of ninety days after expiration. A license holder must notify the licensing authority within thirty days of a change in address or be subject to a revocation of the license.²²

Additional Types of Licenses To Carry Issued By The Commissioner

There are several categories of Licenses To Carry issued directly by the Commissioner of Public Safety. These include:

- 1) Temporary License to Carry: Issued for one year to non-residents and aliens, and for two years to non-residents in the business of transporting money or who work for a utility company or bank. Military personnel residing in Massachusetts are also issued temporary Licenses To Carry for two years.
- 2) State Employees: State police and other personnel often receive a regular five-year, non-temporary License To Carry directly from the Commissioner of Public Safety.²³

The Current System

Firearms licensing is maintained in an outdated paper-based system.

The State of Massachusetts' current firearms licensing process is dependent on paper documents. After issuance, information from Firearm Identification Cards and Licenses To Carry are entered into an automated licensing database maintained on a computer system operated by the Criminal History Systems Board within the Executive Office of Public Safety. The computer's database contains one individual record for an individual's License To Carry and a separate record for the same individual's Firearm Identification Card.²⁴

The system is not capable of linking multiple firearms licenses held by one person.

Law enforcement officials who access licensing information through the Criminal Justice Information System are not capable of determining all of the licenses held by one individual. The current structure of the firearms records database does not link multiple records held by the same individual, unless there is a matching date of birth from all transactions recorded. The date of birth, however, is not always on file.²⁵

The licensing process depends on the U.S. Postal Service.

The current licensing process requires police departments to complete a multi-part license document for each person who receives a license from the Firearms Record Bureau. Police send these documents, including fingerprints, mug shots, and signatures, by U.S. Mail to the Firearms Record Bureau for processing, data entry and issuance. This transfer of information is very slow, and submissions are often incomplete.

There is no application tracking system, nor does the system maintain records of rejected applicants.

Under the current system, a license application in process cannot be tracked. The system also fails to maintain records of applicants denied licenses. As a result, an applicant who had previously been rejected could move and reapply without the licensing authority ever knowing that the applicant had previously been rejected.

Without the ability to track applications and without information about rejected applicants, law enforcement officials do not have the capacity to determine whether the applicant has a history of rejections, or even a history of requesting multiple permits.²⁶

Backlogs in the system threaten its usefulness.

As a result of a departmental policy which focuses on licensing versus data entry, as well as an outmoded paper based system, there is currently a backlog of approximately 75,000 Licenses To Carry and a backlog of approximately 65,000 Firearm Identification Cards, awaiting entry into the Firearms Record Bureau's computer system.

Police now have the capacity to access firearms licensing information via computer, but the information they can access is not current.

The Criminal History Systems Board recently modified its Criminal Justice Information System (CJIS) to enable law enforcement personnel to determine if someone is the holder of a valid License To Carry or Firearm Identification Card. CJIS provides law enforcement and criminal justice officials with twenty-four hour access to criminal justice data, including links to State and

Federal files.²⁷ However, because the firearm records system that the CJIS computer program can now access is incomplete and out of date, this new computerized capacity is not very useful for law enforcement purposes.

RECOMMENDATIONS FOR REFORM

Massachusetts operates licensing systems for both motor vehicles and firearms, partly because motor vehicles and firearms are both deadly. In 1990, there were 614 deaths related to motor vehicles, and 307 related to firearms. However, when an officer makes a traffic stop, that officer has the complete ability to check on the occupant's vehicle. The officer does not have the ability to check on the occupant's gun. The Commonwealth should develop a system to track firearms as it has a system to track motor vehicles.

Eliminate the Sales Transaction Backlog, Starting with Recent Data

A pilot program is underway which will transfer the firearm transaction records from paper to microfilm and then enter these transactions into the Firearms Record Bureau's computer system. Because a significant number of firearms used to commit homicide are less than two years old, the firearms sales transaction records should be entered chronologically, starting with the most recent transactions. In addition, the pilot program should continue until the entire backlog is eliminated.

Improve the Monitoring of Firearms Dealers

Develop a Profile of Currently Licensed Dealers

The Department of Public Safety should develop a profile of all the licensed dealers in the state, including the number of firearms sold, sales recipient information, transaction dates, and other relevant information.

Develop a Plan within the Department of Public Safety to Look for Dealers Who Sell Guns Illegally

There are numerous efforts to catch merchants who sell alcohol to minors, however similar "sting" operations do not exist to monitor illegal firearms sales. The Department of Public Safety needs to develop a similar "sting" plan which would, using existing law enforcement resources, detect illegal transactions. The State of Virginia currently uses an undercover "sting" operation in order to detect such illegal transactions.²⁸

Make a Detailed Study of How to Improve the Transaction Recordkeeping System

The Executive Office of Public Safety needs to undertake a study on the best way to prevent future backlogs in the firearms transaction database. The system needs to be revised in order to ensure that the firearms transaction database is up-to-date, accurate and accessible to police in their efforts to reduce gun violence and homicide.

One potential way to revamp the system is through the use of Point of Sale terminals. These terminals could be located at licensed dealers, based on the number of firearms sold by the dealership. The Department of Public Safety would establish which dealers would be required to maintain a Point of Sale terminal. The cost of such a system would be approximately \$2,500 for a computer system with a modem to transmit data to the state sales transaction database.

Private sellers are currently required to report the sale of a firearm to Firearms Record Bureau within twenty-four hours. To ensure entry of these sales into the transaction database on a timely basis, private sellers would go to a licensed dealer where the sales information would be entered into the Point of Sale terminal, and transmitted to the state's sales transaction database. To defray the cost of the Point Of Sale equipment, dealers could charge a fee set by the Executive Office of Public Safety for each transaction involving a private seller.

Address the Licensing Data Entry Backlog

In April 1996, the Commissioner of Public Safety appointed a new director of the Firearms Record Bureau. The new director is working to reform the current system by addressing the

computer backlog about Firearm Identification Cards and Licenses To Carry information. With the assistance of the Criminal History Systems Board and other staff from the Department of Public Safety, the director hopes to eliminate the backlog in Firearm Identification Cards and Licenses To Carry data entry by November 1996.²⁹

Revamp The System to Enable Law Enforcement to Process Applications Electronically

In addition to eliminating the data backlog, a new system to address public safety officials' need for timely, accurate and accessible data on firearms must be established. The Criminal History Systems Board must continue working with the Firearms Record Bureau to develop a new "front end" computer system for use during firearms licensing activities.

Using the existing computers already in the police stations for the Criminal Justice Information System, the new "front end" licensing system would involve a minimum of data entry and police effort during the preliminary phases of licensing. Information already available through the Criminal Justice Information System would streamline the firearms license application process; the licensing authority could quickly retrieve information based on an applicant's driver's license number. After verifying the written application against the computerized information, application information could be entered immediately into the Firearms Record Bureau's records. By "piggybacking" onto an existing operational database, the Bureau could significantly cut down on backlog and lagtime in entering licensing information.³⁰ This initiative, funded in part by a \$485,000 grant from the National Criminal History Improvement Project of the Bureau of Justice Statistics, is in the planning stages.³¹

Keep Track of All Applicants

The licensing database system should assign each licensee a number, similar to a social security number or driver's license number. Data pertaining to all applicants, including those previously rejected for licenses, should be stored in the system.

The system should create a tracking number for each new application, and monitor the licensing process from initial application through issuance.³² This procedure would enable police to track

an application throughout the licensing process, and would provide a mechanism to determine whether the Bureau is operating within its required timeframes. (For more information on the specific operations of the proposed firearms recordkeeping system, see Appendix III.)

IMPORTANCE OF IMPROVING THE FIREARMS RECORDKEEPING SYSTEM

New Research Reinforces the Need for a Better System

According to David M. Kennedy, Director of the Boston Gun Project at Harvard University's Kennedy School of Government, there are two main benefits derived from a better firearms recordkeeping system. First, an efficient and effective recordkeeping system enhances crime solving efforts by allowing guns used in crimes to be traced more readily. Second, effective recordkeeping allows police to rapidly pinpoint the source of illegal gun transfers.³³

According to research by the Boston Gun Project, it is particularly important to provide instantaneous information on the sale of firearms. Research shows that the time from when a gun is first sold at retail until the time at which it comes into the possession of the Boston Police department as an illegal weapon ("time-to-crime") is frequently less than twenty-four months.

In the City of Boston, between 1991 and 1995, of firearms with a "time-to-crime" of fewer than twenty-four months, 24 percent were used in under three months, 43 percent in under six months, and 67 percent of the firearms were used in under one year.³⁴

Furthermore, the research shows that contrary to common perception, criminals are getting their guns from Massachusetts, more than from the Southern states. Thirty-four percent of the guns in the Boston Gun Project were first sold at retail in Massachusetts, whereas 32 percent were first sold at retail in all of the Southern states combined.³⁵ Accordingly, improving the ability of tracking the sales transactions of firearms in Massachusetts could have a significant impact

on the ability of law enforcement officials to stem the rising tide of violent crime.

An improved firearms recordkeeping system is crucial in instances where the "time-to-crime" is short, particularly when the "time-to-crime" is under one year, because the person who originally purchased the gun from a licensed dealer often resides at the same address listed on the transaction record.

A Better System Could Interrupt Illegal Gun Trafficking

As stated earlier in the report, firearm injuries and homicides are an increasingly significant problem among teenagers, particularly black teenage males. Law enforcement officials need to determine where perpetrators of homicides and other firearms assaults are obtaining their weapons. Law enforcement officials must be able to trace the flow of a gun from manufacturer through a federally licensed dealer to a primary customer and then to all subsequent possessors of the weapon.

Currently, local police can call the manufacturer with the serial number of a gun used in a crime, trace the gun to a federally licensed firearm dealer and check the dealer's sales records. However, this process takes weeks, and is very labor intensive. Consequently, it is done only in select, serious cases. Moreover, firearms sales by non-federally licensed firearm dealers -- especially sales between private gun license-holders -- do not appear anywhere in the Federal records, further thwarting law enforcement's abilities. (See Appendix IV for examples of Federal records.)

A better firearms recordkeeping system would enable police to trace a gun in minutes -- from the streets back to its initial legal purchase. This capacity would enhance law enforcement officials' ability to intercept illegal gun trafficking.

A Better System Could Assist in the Seizure of Guns from People Under Temporary Restraining Orders

Under Section 3B of Ch. 209A, pertaining to temporary restraining orders issued in the case of a domestic dispute, the defendant must immediately surrender his or her Firearm Identification Card, License To Carry and any firearms in possession to law enforcement personnel if the Court finds the batterer poses immediate danger to the victim. One of the primary benefits of improving the firearms transaction recordkeeping system is that it would provide the police with an accurate accounting of firearms held by an individual, since the threatened party may not know whether the defendant possesses firearms. The Attorney General's office confirms that having access to this information is critical in the effort to combat domestic violence.³⁶

A Better System Could Reduce Threats to Law Enforcement and Increase Public Safety

A Department of Public Safety 1995 internal report stresses the critical role that timely information plays in minimizing public safety risk. It states, "The quality of public safety and law enforcement pivots on timely information about criminal offenders and those legally classified as posing a danger to society."³⁷

When a police officer pulls over a vehicle, that officer is currently unable to adequately determine if the car is registered to a person with a Firearm Identification Card or License To Carry (since there is a backlog), nor can that officer ascertain what firearms that person may own. As a result, a police officer may unknowingly be confronting an armed individual.

FINDINGS AND RECOMMENDATIONS

FINDING: The statute pertaining to firearm recordkeeping provides a requirement for the Commissioner of Public Safety to be the recipient of firearm sales transaction data. However, the statute is silent as to what the Commissioner is to do with the data.

RECOMMENDATION: Legislation should be filed clearly defining responsibilities for the maintenance and operation of an accessible and organized firearm recordkeeping system.

FINDING: The Firearms Record Bureau is called on to issue licenses, process forms, serve as expert counsel on firearms issues and to maintain firearms records. Another agency within the Executive Office of Public Safety, the Criminal History Systems Board, operates the Criminal Justice Information System for police departments throughout the state and has recently enabled licensing information -- although incomplete and out of date -- to be accessed via the system.

RECOMMENDATION: The Executive Office of Public Safety should clearly delineate the separate responsibilities of the Commissioner of Public Safety and the Criminal History Systems Board (both under the Executive Office of Public Safety) so each operates in its area of expertise. The Commissioner should be responsible for firearms license processing. The Criminal History Systems Board should maintain and operate a computer system providing law enforcement with twenty-four hour a day, seven day a week access to firearm records.

FINDING: There is not a designated funding source for firearm recordkeeping within the state budget; it falls within the Department of Public Safety's line item.

RECOMMENDATION: A separate line item should be created for firearm recordkeeping within the Public Safety budget targeted directly to the Firearms Record Bureau. By increasing licensing fees and earmarking a specific source of revenue, the task of recordkeeping will be ensured.

FINDING: The current firearm transaction reporting requirements for dealers merely requires them to send the Commissioner of Public Safety a copy of their transaction records once a week. Since 1985, information pertaining to the approximately 800,000 guns sold in Massachusetts has not been entered into the firearms transaction database. This lack of information cripples the ability of law enforcement to track the origin of guns used in crime.

RECOMMENDATION: The 800,000 backlogged sales transaction records must be eliminated, and the system brought up-to-date. In eliminating the current eleven year backlog of firearms sales transaction records, the Criminal History Systems Board should start with the data from 1996, 1995, 1994 and 1993. These years should be prioritized in order to allow law enforcement access to information that may still be useful in investigating and solving crimes. The resources to accomplish this task are available under a federal grant which provides funding to allow the joint operation of the Commissioner of Public Safety and the Bureau of Alcohol, Tobacco and Firearms to eliminate the backlog of 800,000 unentered guns transactions. The Federal Bureau of Alcohol Tobacco and Firearms should continue assisting the Commissioner of Public Safety with this effort, with special emphasis on the firearms transactions from 1996, 1995, and 1994, to be entered first.

While the data backlog is being fixed, the Executive Office of Public Safety should commence a study on how to fix the transaction database system and how to prevent future backlogs.

One such example of how to fix the system is the development of a network of Point of Sale (POS) terminals at the site of licensed dealers who sell an annual volume of firearms above a level set by the Department of Public Safety. These Point of Sale terminals would be paid for and maintained by the licensed dealers.

Using Point of Sale terminals, private market sales would have to be entered directly into the firearms transaction database at the licensed dealer's terminal. Small scale licensed dealers have the option of installing their own Point of Sale equipment or going to a licensed dealer to have their sales entered. To recoup the cost of the POS terminal

and to ensure compliance, dealers could charge a small fee for each transaction.

FINDING: Although the Commissioner of Public Safety currently maintains a list of licensed firearm dealers, there is no detailed information on how many firearms they sell, what type and to whom. In addition, other than keeping a sales record book, as required by law, licensed dealers have no other requirement to keep records.

RECOMMENDATION: Before reforming the firearm sales transaction system, the Executive Office of Public Safety should develop a profile of all licensed dealers in the state. This profile should describe all licensed dealers, the number and type of firearms they sell, and to whom they sell such firearms.

FINDING: No capacity exists within the Firearms Record Bureau to investigate licensed dealers or private market sellers who violate the law by selling to minors or people without Firearms Identification Cards or Licenses To Carry.

RECOMMENDATION: The Executive Office of Public Safety should develop a plan, using existing law enforcement resources, to engage in undercover operations for the purpose of catching licensed dealers and private sellers who violate the law by selling to people without Firearms Identification Cards or Licenses To Carry (similar to a system currently in use in Virginia).

FINDING: The process for issuing Firearm Identification Cards and Licenses To Carry is dependent on a paper-based system with forms and documents passing between licensing authorities and the Firearms Record Bureau via U.S. mail. It is a slow process and applications are often incorrect.

RECOMMENDATION: In order to speed processing times, increase accuracy, and prevent backlogs, the Criminal History Systems Board should create an automated licensing system, using already available Federal grant money. In this system, local police would enter the data

for firearms licenses at the police station using the Criminal Justice Information System with which they are already familiar. All applications, including those denied, should be entered into the Firearm Record Bureau's computer system in order to provide police chiefs with applicants' licensing and requests history.

FINDING: The Firearm Record Bureau's computer system, cannot cross-check holders of Firearm Identification Cards and Licenses To Carry, nor can the system link a license holder with the number of firearms registered to him or her.

RECOMMENDATION: Ensure that license information is linked with firearm sales information. This will enable police to know with certainty the number and type of firearms owned by a license holder.

FINDING: The Firearm Identification Card is now issued for life, has no photograph and costs \$2.00. Licenses To Carry are issued separately, as are other specialized firearms licenses. These licenses are double-sided, hindering firearms sellers and law enforcement officials from quickly and conveniently checking the information on the license.

RECOMMENDATION: Legislation should be proposed authorizing the creation of a single firearms license replacing the Firearm Identification Card and License To Carry. It would contain a photograph and would have to be renewed every five years. In addition, the license would contain classification information disclosing whether the owner possesses a License To Carry, a temporary License To Carry, a Firearm Identification Card, or other permit. The Registry of Motor Vehicles uses a similar system to identify the class of license a driver possesses. A realistic fee structure should support the state's firearms licensing and recordkeeping functions, appropriately allocating the revenues from these fees between local law enforcement and the state.

The license should have a photograph and a hologram to prevent tampering or forgery. The firearms license number would be unique, similar to a social security number, and would be issued for life. These licenses should be one-sided, enabling dealers and law enforcement to access relevant data more quickly.

APPENDICES

APPENDIX I

HOMICIDES IN MASSACHUSETTS

Over the past forty years homicide rates have tripled in Massachusetts, with much of that increase having occurred in the 1960s and 1970s.³⁸ Over the past fifteen years (comparing the five-year period 1978-1982 with the five-year period 1988-1992), the average annual homicide rate increased 6 percent (from 3.69 victims per 100,000 residents to 3.90 residents per 100,000).³⁹ Although Massachusetts' homicide rate is roughly two and a half times lower than the national average, 237 residents of the state were victims of homicide in 1993.⁴⁰

While the overall homicide rate in Massachusetts has not increased dramatically in the past 15 years, there have been significant changes in the makeup of homicide victims. Comparing four-year periods ending in 1982 and 1992, the average annual homicide rate for white residents decreased 17 percent, while the rate for black residents rose 19 percent. During this period, the homicide rate among black males ages 15-19 tripled from 42.5 per 100,000 in 1979-1982 to 135 per 100,000 by 1989-1992. Among white males in the same age group, the rate rose from 4.8 to 5.7. The rate rose from 78.8 to 84.1 among black males ages 20-34 and dropped from 39.8 to 26.5 among black males ages 35-64.⁴¹

Summary Fact Sheet, 1993

Massachusetts Homicide Victims

Sex of Victim*

	-n-	-%-	rate
Male	169	71.3	5.9
Female	68	28.7	2.2
Total	237	100.0	3.9

Circumstance of the Homicide**

	-n-	-%-
Interpersonal/Arguments	92	43.4
Robbery or other felony related	39	18.4
Other	17	8.0
Unknown	64	30.2

Race/Ethnicity of Victim*

	-n-	-%-	rate
White, non-Hispanic	106	44.7	2.0
Black, non-Hispanic	85	35.9	30.4
Hispanic	41	17.3	14.3
Asian	5	2.1	3.5
Native American	0	0.0	0.0

Relationship of Victim to Offender**

	-n-	-%-
Spouse/Lover	20	9.4
Other Family	11	5.2
Acquaintance	74	34.9
Stranger	25	11.8
Missing/Unknown	82	38.7

Age of Victim*

	-n-	-%-	rate
0-14	18	7.6	1.6
15-19	34	14.3	8.2
20-24	41	17.3	7.9
25-34	65	27.4	5.9
35-64	69	29.1	3.4
65+	9	3.8	1.1
Missing/Unknown	1	0.4	na

Weapon*

	-n-	-%-
Firearm	123	51.9
Sharp Instrument	57	24.1
Other	57	24.1
Unknown	0	0.0

Rates are per 100,000

Sources:

* Massachusetts Department of Public Health, Registry of Vital Records and Statistics, 1993 (n=237).

** Massachusetts State Police, Uniform Crime Reports, 1993 (n=212).

See "Sources and Definitions" for more information on data sources.

Summary Fact Sheet, 1988-1992

Massachusetts Homicide Victims

Sex of Victim*

	-n-	-%-	rate
Male	865	73.7	6.0
Female	309	26.3	2.0
Total	1174	100.0	3.9

Circumstance of the Homicide**

	-n-	-%-
Interpersonal/Arguments	385	40.2
Robbery or other felony related	185	19.3
Other	32	3.3
Unknown	356	37.2

Race/Ethnicity of Victim (1989-1992; n=958)*

	-n-	-%-	rate
White, non-Hispanic	414	43.2	2.0
Black, non-Hispanic	349	36.4	31.3
Hispanic	154	16.1	13.4
Asian	37	3.9	6.6
Native American	4	0.4	9.4

Relationship of Victim to Offender**

	-n-	-%-
Spouse/Lover	103	10.8
Other Family	66	6.9
Acquaintance	263	27.5
Stranger	120	12.5
Missing/Unknown	406	42.4

Age of Victim*

	-n-	-%-	rate
0-14	74	6.3	1.3
15-19	179	15.2	8.6
20-24	224	19.1	8.7
25-34	334	28.4	6.1
35-64	305	26.0	3.0
65+	52	4.4	1.3
Missing/Unknown	6	0.5	na

Weapon*

	-n-	-%-
Firearm	530	45.2
Sharp Instrument	318	27.1
Other	255	21.7
Unknown	71	6.0

Rates are average annual rates per 100,000

Sources:

* Massachusetts Department of Public Health, Registry of Vital Records and Statistics. Figures are for the years 1988-1992 (n=1174) except for Race/Ethnicity which is for the years 1989-1992 (n=958). Hispanic ethnicity was not uniformly captured in death certificate data before 1989.

** Massachusetts State Police, Uniform Crime Reports, 1988-1992 (n=958).

See "Sources and Definitions" for more information on data sources.

Massachusetts Homicide Rates by Race of Victim: 1979-1982 vs. 1989-1992

White Victims

Victim's Age Group	Male				Female				Total			
	1979-1982		1989-1992		1979-1982		1989-1992		1979-1982		1989-1992	
	-n-	rate	-n-	rate	-n-	rate	-n-	rate	-n-	rate	-n-	rate
0-14	25	1.1	25	1.2	18	0.9	11	0.6	43	1.0	36	0.9
15-19	49	4.8	43	5.7	30	3.0	18	2.4	79	3.9	61	4.1
20-34	206	7.6	165	5.7	53	1.9	65	2.2	259	4.7	230	3.9
35-64	160	4.9	121	3.3	45	1.3	53	1.4	205	3.0	174	2.3
65+	23	2.2	19	1.6	31	1.7	20	1.0	54	1.9	39	1.2
Missing/Unk	1		2		1		0		2		2	
Total	464	4.5	375	3.5	178	1.6	167	1.5	642	3.0	542	2.5

Black Victims

Victim's Age Group	Male				Female				Total			
	1979-1982		1989-1992		1979-1982		1989-1992		1979-1982		1989-1992	
	-n-	rate	-n-	rate	-n-	rate	-n-	rate	-n-	rate	-n-	rate
0-14	2	1.6	12	6.6	2	1.6	5	2.8	4	1.6	17	4.7
15-19	22	42.5	79	135.0	7	13.4	9	15.4	29	27.8	88	75.3
20-34	94	78.8	163	84.1	19	14.2	26	13.0	113	44.6	189	47.9
35-64	42	39.8	45	26.5	14	11.1	19	9.8	56	24.2	64	17.6
65+	6	30.6	2	6.8	1	3.2	3	6.4	7	13.8	5	6.6
Missing/Unk	0		4		0		0		0		4	
Total	166	39.5	305	48.2	43	9.2	62	9.2	209	23.6	367	28.0

Rates are average annual rates per 100,000

Note: Hispanics are included in both Black and White categories. Previous to 1989, death certificate data did not uniformly code victim's ethnicity.

Source: Massachusetts Department of Public Health, Registry of Vital Records and Statistics

Massachusetts Homicide Rates by City/Town, 1978-1982 vs. 1988-1992

City/Town	1978-82 Homicides	1980 Population	Rate*	1988-92 Homicides	1990 Population	Rate*	Percent Change
<i>Group 1: Cities/towns over 250,000 population</i>							
Boston	394	562,994	14.0	490	574,283	17.1	21.9%
<i>Group 2: Cities/towns 100,000-249,999 population</i>							
Lowell	21	92,418	4.5	26	103,439	5.0	10.6%
Springfield	44	152,319	5.8	58	156,983	7.4	27.9%
Worcester	41	161,799	5.1	49	169,759	5.8	13.9%
<i>Group 2 Total</i>	<i>106</i>	<i>406,536</i>	<i>5.2</i>	<i>133</i>	<i>430,181</i>	<i>6.2</i>	<i>18.6%</i>
<i>Group 3: Cities/towns 50,000-99,999 population</i>							
Brockton	19	95,172	4.0	41	92,788	8.8	121.3%
Brookline	11	55,062	4.0	4	54,718	1.5	-63.4%
Cambridge	17	95,322	3.6	19	95,802	4.0	11.2%
Chicopee	7	55,112	2.5	5	56,632	1.8	-30.5%
Fall River	11	92,574	2.4	15	92,703	3.2	36.2%
Framingham	5	65,113	1.5	2	64,989	0.6	-59.9%
Haverhill	4	46,865	1.7	6	51,418	2.3	36.7%
Lawrence	19	63,175	6.0	29	70,207	8.3	37.3%
Lynn	22	78,471	5.6	23	81,245	5.7	1.0%
Malden	10	53,386	3.7	11	53,884	4.1	9.0%
Medford	8	58,076	2.8	6	57,407	2.1	-24.1%
New Bedford	19	98,478	3.9	32	99,922	6.4	66.0%
Newton	4	83,622	1.0	3	82,585	0.7	-24.1%
Quincy	12	84,743	2.8	9	84,985	2.1	-25.2%
Somerville	15	77,372	3.9	10	76,210	2.6	-32.3%
Waltham	4	58,200	1.4	3	57,878	1.0	-24.6%
Weymouth	10	55,601	3.6	3	54,063	1.1	-69.1%
<i>Group 3 Total</i>	<i>197</i>	<i>1,216,344</i>	<i>3.2</i>	<i>221</i>	<i>1,227,436</i>	<i>3.6</i>	<i>11.2%</i>
<i>Group 4: Cities/towns 25,000-49,999 population</i>							
Agawam	3	26,271	2.3	3	27,323	2.2	**
Amherst	1	33,229	0.6	1	35,228	0.6	
Andover	3	26,370	2.3	3	29,151	2.1	
Arlington	4	48,219	1.7	1	44,630	0.4	
Attleboro	1	34,196	0.6	3	38,383	1.6	
Barnstable	3	30,898	1.9	5	40,949	2.4	
Beverly	1	37,655	0.5	2	38,195	1.0	
Billerica	4	36,727	2.2	3	37,609	1.6	
Braintree	3	36,337	1.7	4	33,836	2.4	
Chelmsford	3	31,174	1.9	1	32,383	0.6	
Chelsea	4	25,431	3.1	16	28,710	11.1	
Dartmouth	0	23,966	0.0	2	27,244	1.5	
Dracut	1	21,249	0.9	3	25,594	2.3	

(Continued on next page)

City/Town	1978-82 Homicides	1980 Population	Rate*	1988-92 Homicides	1990 Population	Rate*	Percent Change
Everett	9	37,195	4.8	8	35,701	4.5	**
Falmouth	1	23,640	0.8	3	27,960	2.1	
Fitchburg	4	39,580	2.0	4	41,194	1.9	
Gloucester	3	27,768	2.2	4	28,716	2.8	
Holyoke	13	44,678	5.8	19	43,704	8.7	
Leominster	3	34,508	1.7	3	38,145	1.6	
Lexington	2	29,479	1.4	1	28,974	0.7	
Marlborough	3	30,617	2.0	1	31,813	0.6	
Melrose	2	30,055	1.3	2	28,150	1.4	
Methuen	3	36,701	1.6	7	39,990	3.5	
Milford	6	23,390	5.1	0	25,355	0.0	
Milton	4	25,860	3.1	6	25,725	4.7	
Natick	5	29,461	3.4	1	30,510	0.7	
Needham	1	27,901	0.7	0	27,557	0.0	
North Attleboro	1	21,095	0.9	2	25,038	1.6	
Northampton	4	29,286	2.7	2	29,289	1.4	
Norwood	2	29,711	1.3	2	28,700	1.4	
Peabody	2	45,976	0.9	11	47,039	4.7	
Pittsfield	6	51,974	2.3	6	48,622	2.5	
Plymouth	2	35,913	1.1	7	45,608	3.1	
Randolph	6	28,218	4.3	4	30,093	2.7	
Revere	12	42,423	5.7	11	42,786	5.1	
Salem	4	38,220	2.1	6	38,091	3.2	
Saugus	4	24,746	3.2	4	25,549	3.1	
Stoughton	2	26,710	1.5	2	26,777	1.5	
Taunton	10	45,001	4.4	9	49,832	3.6	
Tewksbury	4	24,635	3.2	1	27,266	0.7	
Watertown	3	34,384	1.7	0	33,284	0.0	
Wellesley	3	27,209	2.2	1	26,615	0.8	
West Springfield	3	27,042	2.2	2	27,537	1.5	
Westfield	5	36,465	2.7	1	38,372	0.5	
Woburn	3	36,626	1.6	4	35,943	2.2	
Group 4 Total	166	1,458,189	2.3	181	1,519,170	2.4	4.7%
<i>Group 5: Cities/towns <25,000 population***</i>							
Group 5 Total	195	2,092,974	1.9	149	2,265,355	1.3	-29.4%
Massachusetts	1,058	5,737,037	3.7	1,174	6,016,425	3.9	5.8%

* Average annual rate per 100,000

** Due to low incident rates, percent changes vary dramatically and are not stable indicators of trends.

*** Towns < 25,000 population are not separately listed because low incidence of cases results in unstable rates.

Source: Massachusetts Department of Public Health, Registry of Vital Records and Statistics

APPENDIX II

FIREARM-RELATED INJURIES IN MASSACHUSETTS

In 1994, 2,547 people in Massachusetts were shot or stabbed in violent incidents according to WRISS. WRISS collects injury data from 85 hospital emergency departments across the state. Of the 2,547 victims, 662 were injured in violent firearm incidents; an additional 163 victims were the result of accidental gunshot wounds, and 47 victims suffered self-inflicted gunshot wounds. Most self-inflicted wounds result in death.⁴²

Of the victims of violent gunshot wounds, 29.8 percent were between 15-19 years old and 29.8 percent were between 20-24 years old. Males suffered 90.3 percent of the violence-related gunshot wounds, blacks were 40.5 percent of the victims and 54.2 percent of the incidents occurred in the street vs. 13.3 percent at home. Young adults, ages 15-24, had an injury rate seven times that of adults over age 24. The statewide average weapon injury rate was 42.3 victims per 100,000 residents; among teens ages 15-19, the rate was 47.4. The cities with the highest rates were Brockton (155.2), Springfield (151.0), Boston (146.1) and Chelsea (135.8). Although the three highest rates were in cities with greater than 75,000 people, Chelsea, Holyoke (91.5), and Revere (70.1) were in the top ten and have fewer than 50,000 residents. In addition, several cities over 75,000 had below the statewide average, including Newton (1.2), Quincy (31.8), Cambridge (32.4), Lowell (34.8), and Fall River (39.9).⁴³

Among accidental gunshot wound victims, 28.8 percent were under the age of 14 years (49.7 percent under 19 years), 87.7 percent were male, 80.4 percent of the victims were white and 45.4 percent occurred at home vs. 9.2 percent in the street. Finally, 56.4 percent of the incidents involved a BB or pellet gun, considered to be a serious risk for blindness and eye injury according to the American Academy of Ophthalmology.⁴⁴

Violence-Related Gunshot Wounds and Sharp Instrument Wounds

1994 Cases Reported by Massachusetts Hospital Emergency Departments to Mass. Dept. of Public Health*

Victim's City/Town	'90 Population	Reported Cases	Rate per 100,000 pop.	Victim's City/Town	'90 Population	Reported Cases	Rate per 100,000 pop.
Group 1: Cities/towns over 175,000 population							
Boston	574,283	839	146.1				
Group 2: Cities/towns 75,000-175,000 population							
Brockton	92,788	144	155.2	Newton	82,585	1	1.2
Cambridge	95,802	31	32.4	Quincy	84,985	27	31.8
Fall River	92,703	37	39.9	Somerville	76,210	33	43.3
Lowell	103,439	36	34.8	Springfield	156,983	237	151.0
Lynn	81,245	70	86.2	Worcester	169,759	150	88.4
New Bedford	99,922	83	83.1	Group 2 Total	1,136,421	849	74.7
Group 3: Cities/towns 50,000-75,000							
Brookline	54,718	2	3.7	Malden	53,884	22	40.8
Chicopee	56,632	23	40.6	Medford	57,407	15	26.1
Framingham	64,989	21	32.3	Waltham	57,878	12	20.7
Haverhill	51,418	25	48.6	Weymouth	54,063	9	16.6
Lawrence	70,207	71	101.1	Group 3 Total	521,196	200	38.4
Group 4: Cities/towns 25,000-50,000							
Agawam	27,323	3	11.0	Milford	25,355	0	0.0
Amherst	35,228	1	2.8	Milton	25,725	3	11.7
Andover	29,151	0	0.0	Natick	30,510	3	9.8
Arlington	44,630	4	9.0	Needham	27,557	1	3.6
Attleboro	38,383	5	13.0	North Attleboro	25,038	1	4.0
Barnstable	40,949	3	7.3	Northampton	29,289	2	6.8
Beverly	38,195	1	2.6	Norwood	28,700	3	10.5
Billerica	37,609	2	5.3	Peabody	47,039	2	4.3
Braintree	33,836	2	5.9	Pittsfield	48,622	8	16.5
Chelmsford	32,383	1	3.1	Plymouth	45,608	11	24.1
Chelsea	28,710	39	135.8	Randolph	30,093	7	23.3
Dartmouth	27,244	4	14.7	Revere	42,786	30	70.1
Dracut	25,594	3	11.7	Salem	38,091	7	18.4
Everett	35,701	17	47.6	Saugus	25,549	6	23.5
Falmouth	27,960	3	10.7	Stoughton	26,777	2	7.5
Fitchburg	41,194	17	41.3	Taunton	49,832	24	48.2
Gloucester	28,716	1	3.5	Tewksbury	27,266	0	0.0
Holyoke	43,704	40	91.5	Watertown	33,284	4	12.0
Leominster	38,145	12	31.5	Wellesley	26,615	1	3.8
Lexington	28,974	0	0.0	West Springfield	27,537	7	25.4
Marlborough	31,813	5	15.7	Westfield	38,372	8	20.8
Melrose	28,150	10	35.5	Woburn	35,943	2	5.6
Methuen	39,990	7	17.5	Group 4 Total	1,519,170	312	20.5
Group 5: <25,000 population**				Group 5 Total	2,265,355	215	9.5
Massachusetts	6,016,425	2,547	42.3				

* Based on record reviews, hospitals report 70-80% of their cases. Pre-hospital deaths are not included in the reporting system.

** Towns < 25,000 population are not separately listed because low incidence of cases results in unstable rates.

*** Massachusetts total includes 12 homeless cases and 120 cases with unknown city.

Source: Weapon-Related Injury Surveillance System (WRISS), Massachusetts Department of Public Health

"It Was an Accident..."

Follow-up Survey of Gun Accident Victims Planned

Unintentional gunshot wounds accounted for 17% of all gun injuries reported to the Department of Public Health's Weapon-Related Injury Surveillance System (WRISS) in 1994. Among 980 Massachusetts residents treated for gunshot wounds in hospital emergency departments across the state, 163 were the result of gun accidents. Children and youth age 19 and under were disproportionately represented among gun accident victims, accounting for half (50%) of all cases.

Although gunshot wounds that are unintentionally inflicted are often less severe than those that are intentionally inflicted, 20% of the accident victims were admitted or transferred for care and three victims died in emergency care; 59% were discharged or walked out, and 20% of the hospital reports were missing this information. According to death certificate data, five to ten deaths each year result from gun accidents.

BB and pellet gun injuries comprised 57% (92) of all unintentional gunshot wounds reported to WRISS. About three-quarters of these injuries were to children and youth. These injuries are often perceived as minor, but the American Academy of Ophthalmology

has determined that BB and pellet guns are a major cause of serious eye injury and blindness, particularly for adolescent boys. Indeed, over one third (36%) of all BB and pellet gun injuries to youths were to the face or head.

Among the remaining 71 cases, 25 involved handguns (mostly semi-automatic pistols), 6 resulted from shotguns, 7 from rifles, and weapon type was not classified in 33 cases.

The map on page 3 indicates that unlike gun assaults, gun accidents do not cluster in any part of the state. The statewide incidence rate for gun accidents was 2.7 victims for every 100,000 residents. The rate in Boston, where 12 injuries were reported, was lower than the rate reported in towns with populations under 25,000.

Very little has been published about unintentional gunshot wounds, particularly those that are nonfatal. The WRISS project will survey patients who have sustained unintentionally inflicted gunshot wounds in order to learn more about the risk factors associated with gun accidents. Our findings will be important for identifying prevention strategies most appropriate for Massachusetts. Gun accidents, though generally less numerous and less severe than gun assaults, are potentially the easiest to prevent. For instance, a United States General Accounting Office study of

unintentional gunshot wound fatalities concluded that one-third of the deaths might have been prevented by safety devices such as trigger locks and loading indicators.

The WRISS survey includes questions about specifically where and

Gunshot Wound Victims, Mass. 1994

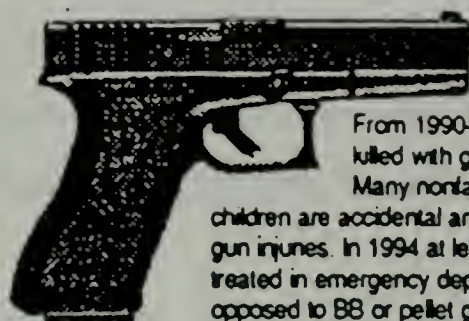
	Violence-Related		Accidental	
Total	662	100.0%	163	100.0%
0-14 yrs	20	3.0%	47	28.8%
15-19 yrs	197	29.8%	34	20.9%
20-24 yrs	197	29.8%	22	13.5%
25-34 yrs	150	22.7%	24	14.7%
35-64 yrs	72	10.9%	32	19.6%
65 yrs +	1	0.2%	2	1.2%
Missing	25	3.8%	2	1.2%
Male	598	90.3%	143	87.7%
Female	49	7.4%	17	10.4%
Missing	15	2.3%	3	1.8%
Black	328	49.5%	10	6.1%
White	121	18.3%	131	80.4%
Hispanic	157	23.7%	10	6.1%
Other/Msng	56	8.5%	12	7.3%
Home	88	13.3%	74	45.4%
Street	359	54.2%	15	9.2%
Work	7	1.1%	7	4.3%
School	4	0.6%	0	0.0%
Other	80	12.1%	32	19.6%
Missing	124	18.7%	35	21.5%
Handgun	73	11.0%	25	15.3%
Long Gun	15	2.3%	13	8.0%
BB/Pellet	37	5.6%	92	56.4%
Unspecified	537	81.1%	33	20.2%

how the injury occurred, the type of gun involved, who owned the gun, where the gun was purchased, why it was acquired and how it was stored, alcohol/drug involvement, payor source for medical care, loss of productivity measures, and victim's sociodemographics. Please call Heather McLaughlin at (617) 727-9696 if you would like to discuss the survey or would like a copy of the survey instrument.

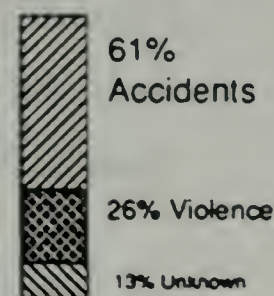
What's accidental?

On the face of it, the distinction between accidental and violence-related gunshot wounds seems simple enough. When one unintentionally shoots oneself or another person during a nonviolent circumstance such as cleaning a gun or playing with a gun thought to be unloaded, cases are coded as "accidental." When one shoots another person during the course of an assault or threat, the case is considered "violence-related." What about when a child is the unintended victim of a drive-by shooting? Or someone threatens another person with a gun and during a struggle the gun goes off unintentionally? Or a person shoots an attacker in self-defense? Because all of these cases are gunshot wounds resulting from assaults or threats, we code them as "violence-related."

Bullets & BBs: Gunshot Wounds to Children 0-14 yrs.



From 1990-1993, 28 children were killed with guns in Massachusetts. Many nonfatal gunshot wounds to children are accidental and most of these are BB gun injuries. In 1994 at least 17 children were treated in emergency departments for firearm—as opposed to BB or pellet gun—injuries.



Gunshot Wounds to Children Treated in Massachusetts Emergency Departments, 1994 (77 Cases)

APPENDIX III

THE CRIMINAL HISTORY SYSTEMS BOARD'S CONCEPT OF AN AUTOMATED LICENSING SYSTEM

Upon initiation of a new application, the police would enter the computerized Criminal Justice Information System. Once in the system, the police would request a particular computerized data entry form (or "screen") which would ask basic questions about the applicant, including: Massachusetts drivers license number, Social Security number, existing or prior firearms license number, and existing probation central file number (PCF #). The screen would also ask the police to put an "x" in the appropriate boxes to indicate the type of firearms permit or licenses applied for.

Upon commencing the firearm application process, the system would generate a unique tracking number to track the application through the process. In order to minimize the data entry requirements, the system would access data from the other data systems, including the Massachusetts Registry of Motor Vehicles System (ALARS), the existing Firearms License Database, and the Probation Central File. The information retrieved would be matched against the application for verification. The system operator would input any remaining information not already in the system.⁴⁵

The applicant processing system would automatically provide a list of candidates for Board of Parole and Federal Bureau of Investigation (FBI) checks. If either of these checks were found to exist for the applicant, the operator would add the Probation Central File number or the FBI number (respectively) to the applicant's record, although this would not necessarily disqualify the applicant from eligibility. The police would then determine eligibility, and the system would flag all approved applications as "submitted to the Firearms Record Bureau" with a date stamp.

After submitting the information electronically, the police department would then take

fingerprints, obtain signatures and photographs, and forward these documents with the completed application via U.S. mail to Firearms Record Bureau for completion. Once the Firearms Record Bureau receives documents from a police department, the police departments would then receive an electronic on-line list of all pending transactions per department by tracking number. On the submitted application, the Firearms Record Bureau would change the status from "submitted" to "received," and would add a date stamp. The system would also allow both the Firearms Record Bureau and the local police departments to check on the status of an application for the applicant.⁴⁶

The Firearms Licensing Bureau would review the received materials to insure quality and completeness. If there were problems with the material (no signature, incorrect dates) the system would access the appropriate tracking number and the status would be changed to "suspended." An electronic message would be sent via the system to inform the police department of the problem, along with the tracking number. This process would eliminate the need for the Firearms Record Bureau to mail forms back to the police department, thus cutting the processing time and reducing the likelihood that materials would be lost. If an application were approved, the status would be changed by the operator to "issued."⁴⁷

APPENDIX IV

FEDERAL FIREARM TRANSACTION RECORDS

FIREARMS ACQUISITION AND DISPOSITION RECORD

DESCRIPTION OF FIREARM					RECEIPT		DISPOSITION		
MANUFACTURER AND REPORTING	MODEL	SERIAL NUMBER	TYPE	CALIBER OR GAUGE	DATE	NAME AND ADDRESS ON NAME AND LICENSE NO.	DATE	NAME	ADDRESS ON LICENSE NO. & LICENSE, OR FORM 4473 SERIAL NO. IF FORM 4473 FILED NUMERICALLY
1) ITHACA	37	6607138	PUMP	20	8/2/86	JOHN'S FINE GUNS EEL-42-00987	1/29/87	1) JAMES HOUSE	FORM 4473 # 2
2) SMITH & WESSON	10	D16051	REVOLVER	.38	8/4/86	SWAMP SHOP EEL-86-34980		2)	
3) WESTERNFIELD	10504	691467	PUMP	20	8/4/86	JOHN'S FINE GUNS EEL-42-00987	11/2/87	3) JIM MICHAELS	FORM 4473 # 68 SPRINGFIELD, IL ROD & GUN SHOP
4) WINCHESTER	94	382906	LEVER	.30-30	11/4/86	94 GREEN 082906 N1465 082906 N1465	9/1/87	4) BILLY BOUNCE	FORM 4473 # 50
5) REMINGTON	870	49320V	PUMP	12	6/9/87	TOM PROBLEM EEL-91-13487	6/20/87	5) FIX IT OR MALT IT, INC.	EEL-46-33988
6) REMINGTON	540X	31269	BOLT	.22	7/2/87	JOHN REALATOR EEL-91-13487	7/14/87	6) BRIAN SMITH	FOR OWNER'S PERSONAL COLLECTION
7) BROWNING	2000	82-3075	SEMI-AUTO	2.0	8/2/87	JOHN DOE 631 PINE ST ELKHOLM, IL 60120	9/11/87	7) JOHN DOE	FORM 4473 # 56
8) WESTERNFIELD	10504	691467	PUMP	20	11/2/87	JIM MICHAELS 303 E. COLONIAL ARCHINSON, IL 60501	12/2/87	8) STOLEN - REPORTED TO METRO	12/2/87
9) SMITH & WESSON	34-1	537738	REVOLVER	.22	12/1/87	JOHN SMITH (owner) 44 WILDER CAMBRIDGE, IL 60131	12/12/87	9) JAKE JONES - POLICE	12/12/87
10) REMINGTON	870	49320V	PUMP	12	12/2/87	FIX IT OR MALT IT, INC. EEL-46-33988	12/12/87	10) TOM PROBLEM	12/12/87

Explanation of Acquisitions

- Line
- Shows purchase of a firearm from a licensed dealer—you have the option of showing either the name and address or the name and license number of the licensee from whom the firearm was received. In order for the store owner, Brian Smith, to obtain this firearm, he had to submit a current copy of his FFL to John's Fine Guns (178241). When Brian received the firearm, he entered it into this book immediately. (For variation, see 1781241).
 - Purchase of firearm from an unlicensed person. Gun is brought in for repair. If firearm can be fixed and returned to owner on same business day, no entry need be made. However, if firearm cannot be returned that day, it must be entered as an acquisition even though it is not a purchase. Outstanding transactions such as that may be recorded in a separate bound book.
 - John Doe has brought in a gun for sale on consignment. Make entry on date of receipt.
 - Michael originally purchased the gun on 11/2/87 (line 8). He does not like it and returns it on 11/24/87. The firearm must be reentered showing date of receipt and from whom received. (It was received from Michael on 11/24/87.) The original entry on line 8 remains unchanged.

Explanation of Dispositions

- Line
- Sale to an unlicensed person. The buyer's name is lined through directly across from the firearm purchased. Brian's Sport Shop uses Forms 4473 numerically (see 1781241) for optional) and lists the form number in place of the address. Number "9" is the serial number of the Form 4473 that Mr. House filled out.
 - This firearm has not been traded, sold, loaned, stolen or transferred out. It should be on hand and available for inspection.
 - Sale made at gun show held in dealer's State.
 - Bounce borrows a gun. It is not a sale but it is a disposition. Form 4473 must be filled out. (See 178297 for loan and resale by dealer.) When Bounce returns the gun, it must be shown as an acquisition.
 - Brian is unable to fix the firearm brought in by Mr. Problem and sends it to a gunsmith for repair. Gunsmith must be licensed and Brian's Sport Shop must obtain from Fix It or Malt It, Inc. a current certified copy of their license prior to delivery of the firearm.
 - Brian Smith, owner of the store, takes a firearm from inventory for his own personal firearm. Since this is a disposition to the licensee, a Form 4473 is not necessary. When
- this happens, it must be either returned from the business premises, or, if kept on the business premises, must be identified as not being part of the business inventory (such as by a tag reading "NOT FOR SALE").
- Gun brought in by John Doe for sale on consignment was not sold. Form 4473 must be filled out by John Doe when the gun is returned to him.
 - The firearm is stolen—show disposition of firearm as "stolen" and show date the theft was reported to the local authorities. If the police case number is available, please report it here.
 - Firearm was sold to out-of-State police man for official use, as evidenced by certification letter. See instructions on sale to law enforcement officers.
 - Mr. Problem gets his repaired gun back. He does not need to fill out Form 4473. The gun was returned to the same person who brought the gun in for repair. If someone picked the gun up for Mr. Problem, a Form 4473 would then have to be filled out by that person (1781241).

Hand-ruled paper with the same column arrangement, same column headings, and the same language notations as the illustration above may be used.

Line numbers are given for illustration purposes only.

Form Approved: OMB No. 1512-0129 (02/28/97)

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
FIREARMS TRANSACTION RECORD
PART I - OVER-THE-COUNTER

TRANSFEROR'S TRANSACTION
SERIAL NUMBER

NOTE: Prepare in original only. All entries on this form must be in ink. See Notices and Instructions on back.

SECTION A - MUST BE COMPLETED PERSONALLY BY TRANSFEREE (BUYER). WHERE TRANSACTION IS A SALE, THIS SECTION MUST BE COMPLETED BY ACTUAL BUYER. READ NOTICES AND INSTRUCTIONS ON REVERSE, INCLUDING WARNING ABOUT ILLEGAL "STRAW PURCHASES" IN PARAGRAPH 2.

1. TRANSFEREE'S (Buyer's) NAME (Last, First, Middle)	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	2. HEIGHT	3. WEIGHT	4. RACE
5. RESIDENCE ADDRESS (No., Street, City, County, State, ZIP Code)	6. DATE OF BIRTH MONTH DAY YEAR		7. PLACE OF BIRTH City _____ State or Foreign Country _____	

8. CERTIFICATION OF TRANSFEREE (Buyer) - An untruthful answer may subject you to criminal prosecution. Each question must be answered with a "yes" or a "no" inserted in the box at the right of the question:

a. Are you under indictment or information* in any court for a crime punishable by imprisonment for a term exceeding one year? *A formal accusation of a crime made by a prosecuting attorney, as distinguished from an indictment presented by a grand jury.		c. Are you a fugitive from justice?	
b. Have you been convicted in any court of a crime punishable by imprisonment for a term exceeding one year? (NOTE: A "yes" answer is necessary if the judge could have given a sentence of more than one year. A "yes" answer is not required if you have been pardoned for the crime or the conviction has been expunged or set aside, or you have had your civil rights restored and, under the law where the conviction occurred, you are not prohibited from receiving or possessing any firearm).		d. Are you an unlawful user of, or addicted to, marijuana, or any depressant, stimulant, or narcotic drug, or any other controlled substance?	
		e. Have you ever been adjudicated mentally defective or have you been committed to a mental institution?	
		f. Have you been discharged from the Armed Forces under dishonorable conditions?	
		g. Are you an alien illegally in the United States?	
		h. Are you a person who, having been a citizen of the United States, has renounced his/her citizenship?	
		i. Are you subject to a court order restraining you from harassing, stalking, or threatening an intimate partner or child of such partner? (See paragraph 4 on reverse).	

I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE ARE TRUE AND CORRECT. IF THE TRANSACTION IS A SALE, I ALSO CERTIFY THAT I AM THE ACTUAL BUYER. I ALSO UNDERSTAND THAT A PERSON WHO ANSWERS "YES" TO ANY OF THE ABOVE QUESTIONS IS PROHIBITED FROM PURCHASING AND/OR POSSESSING A FIREARM, EXCEPT AS OTHERWISE PROVIDED BY FEDERAL LAW. I ALSO UNDERSTAND THAT THE MAKING OF ANY FALSE ORAL OR WRITTEN STATEMENT OR THE EXHIBITING OF ANY FALSE OR MISREPRESENTED IDENTIFICATION WITH RESPECT TO THIS TRANSACTION IS A CRIME PUNISHABLE AS A FELONY.

TRANSFEREE'S (Buyer's) SIGNATURE - EXECUTE AT TIME OF ACTUAL TRANSFER OF FIREARM(S)	DATE
---	------

SECTION B - TO BE COMPLETED BY TRANSFEROR (SELLER). READ NOTICE AND INSTRUCTIONS ON REVERSE.

THIS PERSON DESCRIBED IN SECTION A HAS IDENTIFIED HIMSELF/HERSELF TO ME IN THE FOLLOWING MANNER

9. TYPE OF IDENTIFICATION (Driver's license or identification which shows name, date of birth, place of residence, and signature.)	10. NUMBER ON IDENTIFICATION
--	------------------------------

On the basis of (1) the statements in Section A; (2) the verification of identity noted in Section B; and (3) the information in the current list of Published Ordinances, it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) described below to the person identified in Section A.

11. TYPE (Pistol, Revolver, Rifle, Shotgun, etc.)	12. MODEL	13. CALIBER OR GAUGE	14. SERIAL NO.	15. MANUFACTURER (and Importer, if any)
1.				
2.				
3.				
4.				

Complete ATF F 3310.4 for multiple purchases of handguns (see item 11 on the back)

16. TRADE/CORPORATE NAME AND ADDRESS OF TRANSFEROR (Seller) (Hand stamp may be used)	17. FEDERAL FIREARMS LICENSE NO. (Hand stamp may be used)
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THE PERSON MAKING THE ACTUAL FIREARMS SALE MUST COMPLETE ITEMS 18 THROUGH 20.

18. TRANSFEROR'S (Seller's) SIGNATURE - EXECUTE AT TIME OF ACTUAL TRANSFER OF FIREARM(S)	19. TRANSFEROR'S TITLE	20. TRANSACTION DATE
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TRANSFEREE (BUYER)

1. Under 18 U.S.C. 921-929 firearms may not be sold to or received by certain persons. The information and certification on this form are designed so that a person licensed under 18 U.S.C. 921-929 may determine if he may lawfully sell or deliver a firearm to the person identified in Section A, and to alert the transferee (buyer) of certain restrictions on the receipt and possession of firearms. This form should not be used for sales or transfers where neither person is licensed under 18 U.S.C. 921-929.

2. WARNING—A licensee who knowingly sells or delivers a firearm to a straw purchaser violates Federal firearms laws. A "straw purchase" occurs when the actual buyer uses another person (the straw purchaser) to execute an ATF Form 4473 purporting to show that the straw purchaser is the actual buyer. Straw purchases also place the straw purchaser and the actual buyer in violation of law. Although the actual buyer may be eligible to receive firearms, a straw purchase results in the falsification of the licensee's records with respect to the identity of the actual buyer.

3. The transferee (buyer) of a firearm should be familiar with the provisions of law. Generally, 18 U.S.C. 921-929 prohibit the shipment, transportation, receipt, or possession in or affecting interstate commerce of a firearm by one who is under indictment or information for, or who has been convicted of, a crime punishable by imprisonment for a term exceeding one year, by one who is a fugitive from justice, by one who is an unlawful user of, or addicted to, marijuana, or any depressant, stimulant, or narcotic drug, or any other controlled substance, by one who has been adjudicated mentally defective or has been committed to a mental institution, by one who has been discharged from the Armed Forces under dishonorable conditions, by one who, having been a citizen of the United States, has renounced his citizenship, or by who is an alien illegally in the United States. "Conviction of a crime punishable by imprisonment for a term exceeding one year", includes felonies, and state offenses classified by the laws of the state as a misdemeanor that are punishable by more than 2 years in prison.

EXCEPTION: For one who has been convicted of a crime punishable by imprisonment for a term exceeding one year, the prohibition does not apply if, under the law where the conviction occurred, the individual has received a pardon for the crime, the conviction has been expunged or set aside, or the person has had his/her civil rights restored, AND the person is not prohibited by the law of the jurisdiction in which the proceedings were held from receiving or possessing any firearms.

KNOW YOUR CUSTOMER—Before a licensee may sell or deliver a firearm to a nonlicensee, the licensee must establish the identity, place of residence, and age of the buyer. Satisfactory identification should verify the buyer's name, date of birth, address, and signature. Thus, a driver's license or identification card issued by a State in place of a license is particularly appropriate. Social Security cards are not acceptable because no address or date of birth is shown on the card. Also, alien registration receipt cards and military identification cards are not acceptable by themselves because the State of residence is not shown on the cards. However, although a particular document may not be sufficient to meet the statutory requirement for identifying the buyer, any combination of documents which together disclose the required information concerning the buyer is acceptable.

4. Under 18 U.S.C. 922 firearms may not be sold to or received by persons subject to a court order that: (A) was issued after a hearing of which the person received actual notice and had an opportunity to participate; (B) restraining such person from harassing, stalking or threatening an intimate partner or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and (C) (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.

PAPERWORK REDUCTION ACT NOTICE The information required on this form is in accordance with the Paperwork Reduction Act of 1980. The purpose of the information is to determine the eligibility of the buyer (transferee) to receive firearms under Federal Law. The information is subject to inspection by ATF officers. The information on this form is required by 18 U.S.C. 922.

The estimated average burden associated with this collection is 6 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to Reports Management Officer, Information Programs Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C., 20226, and the Office of Management and Budget, Paperwork Reduction Project (1512-0129), Washington, D.C., 20503.

*U.S. Government Printing Office: 1994 — 301-528/14491

INSTRUCTIONS TO TRANSFEREE (BUYER)

5. The buyer (transferee) of a firearm will, in every instance, personally complete Section A of the form and certify (sign) that the answers are true and correct. However, if the buyer is unable to read and/or write, the answers may be written by other persons, excluding the dealer. Two persons (other than the dealer) will then sign as witnesses to the buyer's answers and signature.

6. When the transferee (buyer) of a firearm(s) is a corporation, company, association, partnership or other such business entity, an officer authorized to act on behalf of the business will complete and sign Section A of the form and attach a written statement, executed under penalties of perjury, stating (a) that the firearm(s) is being acquired for the use of and will be the property of that business entity, and (b) the name and address of that business entity.

INSTRUCTIONS TO TRANSFEROR (SELLER)

7. Should the buyer's name be illegible the seller shall print the buyer's name above the name printed by the buyer.

8. The transferor (seller) of a firearm will, in every instance, complete Section B of the form.

9. Additional firearms purchases made by the same buyer may not be added to this form after the seller has signed and dated it.

10. If more than four firearms are involved, the identification required by Section B, Items 11 through 15, must be provided for each firearm. The identification of the firearms transferred in a transaction which covers more than four weapons may be on a separate sheet of paper which must be attached to the form covering the transaction.

11. In addition to completing this record, you must report any multiple sale or other disposition of pistols or revolvers on ATF F 3310.4 in accordance with 27 CFR 178.126a.

12. The transferor (seller) of a firearm is responsible for determining the lawfulness of the transaction and for keeping proper records of the transaction. Consequently, the transferor should be familiar with the provisions of 18 U.S.C. 921-929 and the Federal firearms regulations, Title 27, Code of Federal Regulations, Part 178. In determining the lawfulness of the sale or delivery of a rifle or shotgun to a non-resident, the transferor is presumed to know applicable State laws and published ordinances in both States.

13. After you have completed the firearm transaction, you must make the completed, original copy of the ATF F 4473, Part I part of your permanent firearms records including any supporting documents. Filing may be chronological (by date), alphabetical (by name), or numerical (by transaction serial number), so long as all of your completed Forms 4473, Part I are filed in the same manner.

DEFINITIONS

1. **Over-the-counter Transaction—**The sale or other disposition of a firearm by the transferor (seller) to a transferee (buyer), occurring on the transferor's licensed premises. This includes the sale or other disposition of a rifle or a shotgun to a non-resident transferee (buyer) occurring on such premises.

2. **Published Ordinances—**The publication (ATF P 5300.5) containing State firearms laws and local ordinances which is annually distributed to Federal firearms licensees by the Bureau of Alcohol, Tobacco and Firearms.

3. **Under indictment or convicted in any court—**An indictment or conviction in any Federal, State or Foreign court.

4. **Intimate Partner—**With respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabitated with the person.

SOURCES

1. Notes from meeting with Craig Burlingame, Executive Director of the Criminal History Systems Board. May 7, 1996.
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3. Massachusetts Department of Public Health, Weapon Injury Report: Weapon-Related Injury Surveillance, May 1994, page 3.
4. op. cit., page 30.
5. op. cit., page 25.
6. op. cit., page 11.
7. op. cit., page 5.
8. op. cit., page 4.
9. Craig D. Burlingame, "Concept of Automation: Firearms Licensing Processing (Draft)" March 1996, page 2.
10. Senate 2300: Senate Committee on Ways and Means: Fiscal Year 1997 Budget Recommendations, pages 4-35.
11. Massachusetts General Laws, Ch. 140, Sec. 128A.
12. 520 Code of Massachusetts Regulations 7.03.
13. ibid.
14. ibid.
15. Notes from meeting with Craig Burlingame, Executive Director of the Criminal History Systems Board, May 7, 1996.
16. Massachusetts General Laws, Ch. 140, Sec. 129B.
17. ibid.
18. ibid.
19. Massachusetts General Laws, Ch. 140, Sec. 131.

20. Telephone conversation notes with Michael Healy, Director of the Firearms Record Bureau, May 16, 1996.
21. Massachusetts General Laws, Ch. 140, Sec. 131.
22. *ibid.*
23. Notes from telephone conversation with Michael Healy, Director of the Firearms Record Bureau, May 20, 1996.
24. Craig D. Burlingame, "Concept of Automation: Firearms Licensing Processing (Draft)," March 1996, page 1.
25. *ibid.*
26. *ibid.*
27. Notes from meeting with Craig Burlingame, Executive Director of the Criminal History Systems Board, May 7, 1996.
28. Notes from telephone conversation with Donna Tate, Virginia State Police, May 29, 1996.
29. Notes from meeting with Michael Healy, Director of Firearms Record Bureau and Craig D. Burlingame, Executive Director of the Criminal History Systems Board, May 7, 1996
30. "Concept of Automation," *op. cit.*, page 2.
31. National Criminal History Information Project Grant Proposal submitted by the Criminal History Systems Board.
32. *op. cit.*, page 3.
33. Notes from meeting with David Kennedy, Boston Gun Project, Kennedy School of Government, Harvard University, April 30, 1996.
34. David M. Kennedy, Boston Gun Project, Kennedy School of Government, Harvard University, used by permission.
35. David M. Kennedy, Boston Gun Project, Kennedy School of Government, Harvard University, used by permission.
36. Notes from phone conversation with Caroline Keshian, Attorney General's Office, May 1, 1996.
37. Firearm Records: Opportunities for Reengineering., *op. cit.*, page 21.

38. Massachusetts Department of Public Health, "Homicide in Massachusetts," 1995. page 3.
39. *ibid.*, page 4.
40. *op. cit.*, page 9.
41. *op. cit.*, pages 3-4.
42. Massachusetts Department of Public Health, "Weapon Injury Update," August 1995, page 1.
43. *op. cit.*, page 1.
44. *op. cit.*, page 2.
45. "Concept of Automation", *op. cit.*, page 3.
46. "Concept of Automation," *op. cit.*, pages 4-5.
47. "Concept of Automation," *op. cit.*, page 6.

